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5
6 Attorneys for Debtor

7 MONICA HUJAZI

8 **UNITED STATES BANKRUPTCY COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 **UNLIMITED JURISDICTION**

11
12 IN RE
13 MONICA HUJAZI

14 Debtor

15
16 MICHAEL GRODSKY,

17 Plaintiff,

18 V.

19
20 MONICA HUJAZI

21 Defendant.

Case No. 13-30477-HLB

CHAPTER 7 (Involuntary)

Adversary Case No. 17-0388

**MONICA HUJAZI'S ANSWER TO
COMPLAINT FOR
NONDISCHARGEABILITY OF
MICHAEL GRODSKY**

23
24 Defendant Monica Hujazi responds to the adversary complaint of Michael Grodsky
follows:

1. Admitted.

2. No response required.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8 Admitted

9 Admitted

10 Admitted

11 Admitted

12. Responding party lacks sufficient information to admit or deny and on that basis denies the request.

13. Admitted

14. Admitted

15 Denied

16. Responding party lacks sufficient information to admit or deny and on that basis denies the request.

17. Admitted.

18. Responding party lacks sufficient information to admit or deny and on that basis denies the request.

19. Denied

20. Denied.

21. Admitted

22. Admitted

23. Admitted

24. Admitted

25. Admitted

26. Admitted.

27 Denied

28. Responding party lacks sufficient information to admit or deny and on that basis denies the request.

29. Responding party lacks sufficient information to admit or deny and on that basis denies the request.

30. Responding party lacks sufficient information to admit or deny and on that basis denies the request.

31. Responding party lacks sufficient information to admit or deny and on that basis denies the request.

32 Denied

1 33. Responding party lacks sufficient information to admit or deny and on that
2 basis denies the request.

3 34. Responding party admits that that exhibit 7 appears to be a wire transfer
4 request. Responding party lacks sufficient information to admit or deny the
5 remaining allegations.

6 35. Admitted.

7 36. Denied.

8 37. Denied.

9 38. Denied

10 39. Denied

11 40. Admitted.

12 41. Admitted

13 42. Admitted as to what the statute says. Denied that the statute has any
14 applicability to debtor or her child.

15 43. Denied

16 44. Responding party lacks sufficient information to admit or deny and on that
17 basis denies the request.

18 45. Denied

19 46. Denied

20 47. Admitted

48. No response required

49. Denied

50. Admitted

51. Admitted

52. Admitted that the McLaren has a value in excess of \$600.

53. Admitted

54. Admitted

55. Denied

56 Denied

57 Denied

58. Responding party lacks sufficient information to admit or deny and on that basis denies the request.

59. Responding party lacks sufficient information to admit or deny and on that basis denies the request.

60 Denied

61 Donjed

62 Admitted

6.3 Admitted

64 Daniel

1 65. Responding party lacks sufficient information to admit or deny and on that
2 basis denies the request.

3 66. Responding party lacks sufficient information to admit or deny and on that
4 basis denies the request.

5 67. Responding party lacks sufficient information to admit or deny and on that
6 basis denies the request.

7 68. Denied

8 69. Denied

9 70. Denied

10 71. Denied

11 72. Denied

12 73. Denied

13 74. No response necessary.

14

15 **FIRST AFFIRMATIVE DEFENSE**

16 (Failure to State a Claim)

17

18 1. Each and every cause of action fails to state a claim upon which relief may be
19 granted against Defendant.

20

21 **SECOND AFFIRMATIVE DEFENSE**

22 (Estoppel)

1 2. By its conduct, Complainant is estopped from asserting any of the causes of
2 action alleged in the Complaint against this answering defendant.

THIRD AFFIRMATIVE DEFENSE (Waiver)

FOURTH AFFIRMATIVE DEFENSE (Mitigation)

10 4. Complainant failed to exercise reasonable care and diligence to mitigate any
11 and all alleged damages.

FIFTH AFFIRMATIVE DEFENSE
(No Injury or Damages)

14 5. Each and every cause of action alleged in the Complaint is barred because
15 Complainant sustained no injury or damage.

SIXTH AFFIRMATIVE DEFENSE (Unclean Hands)

SEVENTH AFFIRMATIVE DEFENSE
(Fraud)

23 7. Complainant is barred from recovery by virtue of commission of fraud in their
24 dealings with Defendant related to the issues raised herein.

1 **EIGHTH AFFIRMATIVE DEFENSE**
2 **(Statutes of Limitation)**

3
4 8. That Complainant's claims against Defendant are barred by the applicable
5 Statutes of Limitation.

6 **NINTH AFFIRMATIVE DEFENSE**
7 **(Laches)**

8 9. Complainant is barred from recovery by the doctrine of laches.

9 **TENTH AFFIRMATIVE DEFENSE**
10 **(Lack of Jurisdiction)**

11 10. Complainant cannot recover any funds from debtor because the death of
12 the testator which granted the property occurred post bankruptcy filing.

13 **ELEVENTH AFFIRMATIVE DEFENSE**
14 **(Res Judicata/Collateral Estoppel)**

15 11. Complainant cannot recover any funds from Debtor because this issue,
16 having already been litigated by creditors, has already been determined that the
17 trust property is not the property of the bankruptcy estate.

18 **TWELFTH AFFIRMATIVE DEFENSE**
19 **Settlement**

20 12. The nondischargeability claim is barred by previous settlement entered
21 into by the debtor and the bankruptcy court.

22 WHEREFORE, these Defendants pray for judgment as follows:

23 1. That the debt be declared dischargeable;
24
25 2. That these Defendants recover their fees and costs of suit; and

3. For such other and further relief as the Court deems just and proper.

Dated: March 15, 2017,

LAW OFFICES OF PETER H. BONIS

/s/
Peter H. Bonis